

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

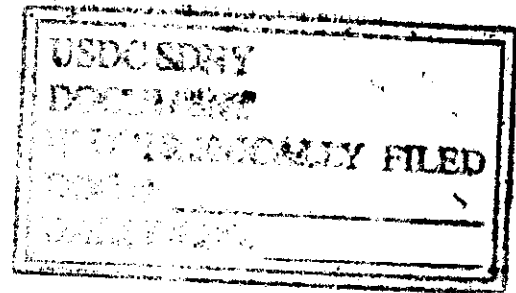
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PATRICK BAXTER,

Petitioner,

-against-

JAMES CONWAY,

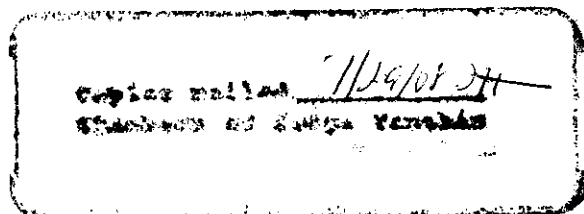
Respondent.
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ORDER
07 Civ. 2759 (KMK)(GAY)

Petitioner Patrick Baxter has moved for discovery of the grand jury testimony of Westchester County Medical Examiner Dr. Louis Roh in connection with the pending habeas corpus petition. The briefing on the petition has been fully submitted and is *sub judice*. Petitioner alleges that said grand jury testimony is necessary for complete clarity and to bolster his claims.

In habeas corpus proceedings, courts may only allow discovery of this nature "for good cause shown." Bracy v. Gramley, 520 U.S. 899, 904 (1997)(citing Rule 6(a) of the Rules Governing § 2254, which provides "[a] party shall be entitled to invoke the processes of discovery available under the Federal Rules of Civil Procedure if, and to the extent that, the judge in the exercise of his discretion and for good cause shown grants leave to do so, but not otherwise"). "Generalized statements about the possible existence of discovery material are insufficient. When the petitioner provides no specific evidence that the requested material would support his or her habeas corpus petition, courts will exercise their discretion to deny a discovery request." Lebron v. Sanders, No. 02 Civ. 6327, 2007 WL 1225548 *1 (S.D.N.Y. April 30, 2007)(citations

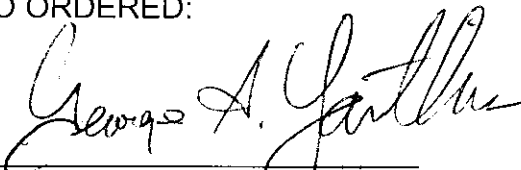


omitted).

Here, petitioner has made only a general request for discovery of the grand jury transcript. No specific evidence is set forth demonstrating that the transcript would support his petition. As such, "good cause" has not been shown and the motion must be denied.

SO ORDERED:

Dated: July 29, 2008
White Plains, New York



GEORGE A. YANTHIS, U.S.M.J.